

Exhibit 1-C

<p style="text-align: right;">110</p> <p>1 Q Is this a true and correct copy of the document</p> <p>2 you signed on or about March 1, 2007?</p> <p>3 A I don't have a copy of it, so I can't</p> <p>4 authenticate it.</p> <p>5 Q Do you have any reason to believe this is not</p> <p>6 your signature?</p> <p>7 A No.</p> <p>8 Q Do you have any reason to believe that this</p> <p>9 document has been falsified to insert your signature?</p> <p>10 A No.</p> <p>11 Q What is your current address?</p> <p>12 A 7920 Bella Court, B-E-L-L-A, North Richland</p> <p>13 Hills, Texas, 76182.</p> <p>14 Q And when did you move to that address from Mill</p> <p>15 Crossing West?</p> <p>16 A November of last year.</p> <p>17 MR. BUCKNER: Harold, wait one second. I want</p> <p>18 to tell them to quiet down.</p> <p>19 MR. GEWERTER: Absolutely.</p> <p>20 Would you mark this next, please.</p> <p>21 (Deposition Exhibit 49 was marked for</p> <p>22 identification.)</p> <p>23 BY MR. GEWERTER:</p> <p>24 Q Look at this document. It says "401(K) Salary</p> <p>25 Deferral Election Change Form." Let me know when you've</p>	<p style="text-align: right;">112</p> <p>1 correct?</p> <p>2 A Yeah. It was a variable.</p> <p>3 Q Is 75 hours a month a fair approximation of</p> <p>4 what you averaged?</p> <p>5 MR. BUCKNER: Objection. Seeks speculation.</p> <p>6 THE WITNESS: I really don't know.</p> <p>7 BY MR. GEWERTER:</p> <p>8 Q Well, let's -- if you worked -- prior to</p> <p>9 November 1 of 2007, if you worked 75 -- I'm sorry -- if</p> <p>10 you flew in the aircraft 75 hours per month -- and you</p> <p>11 made a hundred dollars an hour. Is that correct?</p> <p>12 A Yes.</p> <p>13 Q You should therefore gross how much?</p> <p>14 Seventy-five times a hundred?</p> <p>15 A \$7500.</p> <p>16 Q Right. Now, after November 1, the compensation</p> <p>17 pay changed per this document, and you said your base</p> <p>18 pay now became \$40,000 per year, plus -- what was it?</p> <p>19 \$70 per hour?</p> <p>20 A Yes.</p> <p>21 Q Or was it \$80 per hour for a 737 captain?</p> <p>22 Which one was it?</p> <p>23 A It was \$70 for a 767 first officer.</p> <p>24 Q But you also still flew as a captain on a 737,</p> <p>25 though?</p>
<p style="text-align: right;">111</p> <p>1 had a chance to review this.</p> <p>2 A I have looked it over.</p> <p>3 Q Is that your signature that appears at the</p> <p>4 bottom left-hand corner of the page?</p> <p>5 A That appears to be my signature.</p> <p>6 Q And you remember signing this document on or</p> <p>7 about 6-27-07?</p> <p>8 A I remember signing information regarding the</p> <p>9 401(k) plan.</p> <p>10 Q Was it your desire to decline to make</p> <p>11 contributions to the plan?</p> <p>12 A Yes.</p> <p>13 Q Any reason for that?</p> <p>14 A I didn't want to participate in the plan.</p> <p>15 Q You wanted the maximum current compensation at</p> <p>16 all times?</p> <p>17 A Yes.</p> <p>18 Q Speaking of compensation, over lunch I did some</p> <p>19 quick math, and maybe you can help me out here. Let's</p> <p>20 go back to Exhibit No. 44. Go to the second page. This</p> <p>21 is the document between you and Vision Airlines that</p> <p>22 came from Jim Maguire. Let me ask you a couple of</p> <p>23 questions.</p> <p>24 You said you weren't exactly sure how many</p> <p>25 hours you flew each month because it changed. Is that</p>	<p style="text-align: right;">113</p> <p>1 A I did not after this date. I don't believe I</p> <p>2 did.</p> <p>3 Q So afterwards your pay then becomes 40,000 per</p> <p>4 year plus \$70 per hour, times -- times 75 hours.</p> <p>5 Correct?</p> <p>6 A 40,000 per year base salary.</p> <p>7 Q Was your base, right.</p> <p>8 A Plus a flight hour rate of \$70.</p> <p>9 Q And for about 75 hours per month. Correct?</p> <p>10 MR. BUCKNER: Object to the form. He didn't</p> <p>11 testify to that.</p> <p>12 THE WITNESS: I don't know how many hours I</p> <p>13 flew. If you wanted to take the time, I could</p> <p>14 probably add them up.</p> <p>15 BY MR. GEWERTER:</p> <p>16 Q But if I go back and add up those hours, that</p> <p>17 should be your compensation, though. Would that be the</p> <p>18 method to determine your compensation after November 1,</p> <p>19 2007?</p> <p>20 A Yes.</p> <p>21 Q So just for clarity, I would take \$70 per hour,</p> <p>22 times number of hours per month, and that should give me</p> <p>23 the hours pay per month -- per that month?</p> <p>24 A Yes.</p> <p>25 Q And then to that I'd add for the entire</p>

30 (Pages 114 to 117)

<p style="text-align: right;">114</p> <p>1 12-month period \$40,000, and come up with that</p> <p>2 calculation.</p> <p>3 A Yes.</p> <p>4 Q And that's what you agreed to work for as of</p> <p>5 November 1, 2007. Correct?</p> <p>6 A Those -- that's the rate structure that was</p> <p>7 unilaterally imposed by Vision Airlines.</p> <p>8 Q You didn't quit, though, did you, because of</p> <p>9 that?</p> <p>10 A No.</p> <p>11 Q And, in fact, because there was a guaranteed</p> <p>12 base, you could have made more money after November 1,</p> <p>13 2007, because before there was no guarantee anything?</p> <p>14 A Not necessarily.</p> <p>15 Q There was a guarantee before November 1, 2007?</p> <p>16 A No. The reason you might necessarily -- might</p> <p>17 not necessarily have made more is because the flight</p> <p>18 hours were less on the 767 because it made fewer stops</p> <p>19 and it flew at a higher speed.</p> <p>20 Q But you could have made more too. You don't</p> <p>21 know the answer to that?</p> <p>22 A I don't know.</p> <p>23 Q But that's what you agreed to work for?</p> <p>24 A I worked for the money that they established</p> <p>25 was the pay rate.</p>	<p style="text-align: right;">116</p> <p>1 Q Did you lodge an objection verbally to anyone?</p> <p>2 A No.</p> <p>3 Q Such as Mr. Maguire?</p> <p>4 A No.</p> <p>5 Q How about Mr. Daggett?</p> <p>6 A No.</p> <p>7 Q Let me go to one clean-up matter. Earlier we</p> <p>8 had an issue about the sleeping in the cockpit on</p> <p>9 September 13th of 2007. Did you self-report that to the</p> <p>10 FAA?</p> <p>11 A No.</p> <p>12 Q Are you aware of whether or not Vision reported</p> <p>13 that to the FAA?</p> <p>14 A No.</p> <p>15 Q No, you're not aware of it?</p> <p>16 A I don't -- I'm not aware of it.</p> <p>17 Q Nobody from Vision told you that they reported</p> <p>18 that to the FAA?</p> <p>19 A That's correct.</p> <p>20 Q Are you surprised to hear that it was reported?</p> <p>21 A I wasn't advised.</p> <p>22 Q Isn't sleeping on duty something that should be</p> <p>23 reported to the FAA?</p> <p>24 A No.</p> <p>25 Q In all your years of experience, you don't find</p>
<p style="text-align: right;">115</p> <p>1 Q And you cashed those checks based on that</p> <p>2 agreement, too. Right?</p> <p>3 A I cashed the checks that were paid.</p> <p>4 Q Did you ever lodge an objection with anyone in</p> <p>5 the division saying you were not being paid what you</p> <p>6 felt you agreed to pay?</p> <p>7 A I didn't agree. You keep saying "agree." This</p> <p>8 is what was presented, and this is what I was paid.</p> <p>9 Q And you didn't quit --</p> <p>10 MR. BUCKNER: Let him finish.</p> <p>11 BY MR. GEWERTER:</p> <p>12 Q Did you quit?</p> <p>13 A No.</p> <p>14 Q And you kept taking money from Vision, though?</p> <p>15 A I kept earning money from Vision.</p> <p>16 MR. BUCKNER: Object to the form.</p> <p>17 BY MR. GEWERTER:</p> <p>18 Q And did you go to them and say I refuse to work</p> <p>19 anymore unless you go back to the old pay structure?</p> <p>20 A No.</p> <p>21 Q Did you issue a letter to them or a memo or</p> <p>22 anything saying I'm not going to work for that amount</p> <p>23 anymore because that's not what I agreed to when I was</p> <p>24 first hired?</p> <p>25 A No.</p>	<p style="text-align: right;">117</p> <p>1 that to be a violation of FAA rules and regulations?</p> <p>2 MR. BUCKNER: Object to form. Not an expert</p> <p>3 witness.</p> <p>4 MR. GEWERTER: His experience.</p> <p>5 MR. BUCKNER: Lodging an objection, counsel.</p> <p>6 THE WITNESS: No, I don't believe that is a</p> <p>7 violation.</p> <p>8 BY MR. GEWERTER:</p> <p>9 Q So you can sleep the entire trip and that's not</p> <p>10 a violation?</p> <p>11 MR. BUCKNER: Object to form. Mischaracterizes</p> <p>12 his testimony.</p> <p>13 BY MR. GEWERTER:</p> <p>14 Q You can answer.</p> <p>15 A I don't believe that's a violation.</p> <p>16 Q So there's nothing wrong with sleeping while</p> <p>17 being employed by -- as an airline captain?</p> <p>18 MR. BUCKNER: Object to the form.</p> <p>19 THE WITNESS: Sleeping in the cockpit is not</p> <p>20 the preferred thing. There is evidence and there is</p> <p>21 a movement on the part of some aviation safety</p> <p>22 organizations to get specific language which would</p> <p>23 encourage and allow naps up to 40 minutes duration</p> <p>24 to ensure that a pilot is at -- in a good rest state</p> <p>25 for the critical stage of the flight.</p>

<p style="text-align: right;">118</p> <p>1 BY MR. GEWERTER:</p> <p>2 Q Well, you fell asleep about three hours into</p> <p>3 that flight, though, didn't you?</p> <p>4 A Probably a longer time frame than that.</p> <p>5 Q And before you took a nap did you tell</p> <p>6 Mr. Borke you were going to take a nap?</p> <p>7 A Yes.</p> <p>8 Q What did he tell you?</p> <p>9 A He said, "I'm fine. Go ahead and take a nap."</p> <p>10 Q Did you tell him how long you were going to nap</p> <p>11 for?</p> <p>12 A I don't recall.</p> <p>13 Q But you don't disagree with the fact that it</p> <p>14 was the flight attendants that woke you up, and it</p> <p>15 wasn't Mr. Borke that woke you up?</p> <p>16 A I do not disagree.</p> <p>17 Q It was, in fact, the flight attendants. Those</p> <p>18 e-mails were accurate earlier. Is that correct? The</p> <p>19 ones from the flight attendants about waking you up?</p> <p>20 A It was Amanda Bradley who woke me up.</p> <p>21 Q Are you aware of whether or not Mr. Borke tried</p> <p>22 to wake you up?</p> <p>23 A I'm not aware of that.</p> <p>24 MR. GEWERTER: Mark this next, please.</p> <p>25 THE WITNESS: I'm just aware of his statement</p>	<p style="text-align: right;">120</p> <p>1 THE REPORTER: Yes.</p> <p>2 BY MR. GEWERTER:</p> <p>3 Q Let me know when you've had a chance to look at</p> <p>4 that document.</p> <p>5 A I have looked it over.</p> <p>6 Q And on page 1 of this document, which is four</p> <p>7 pages -- I'm sorry, it's five pages. Page 1 is a cover</p> <p>8 letter from you. Was that your signature?</p> <p>9 A Yes.</p> <p>10 Q And you're saying that you've returned all</p> <p>11 requested items pertaining to the termination of your</p> <p>12 employment with the exception of the separation</p> <p>13 agreement, and full general release which you declined</p> <p>14 to sign. Did you have a conversation with Mr. Daggett</p> <p>15 or anyone else from Vision concerning your separation</p> <p>16 agreements?</p> <p>17 A No.</p> <p>18 Q How did you receive a copy of it?</p> <p>19 A I don't recall if it came via mail or e-mail.</p> <p>20 Q But you did get this document or something very</p> <p>21 similar to this document?</p> <p>22 A Yes.</p> <p>23 Q Is this an exact copy or you just don't</p> <p>24 remember at this time?</p> <p>25 A I can't say that that is an exact copy of the</p>
<p style="text-align: right;">119</p> <p>1 that he was preparing to make me up because we were</p> <p>2 approaching top of descent, and we had been cleared</p> <p>3 down to flight level one zero zero, 10,000 feet.</p> <p>4 BY MR. GEWERTER:</p> <p>5 Q That's something normally that the captain</p> <p>6 should be aware of at all time. Correct?</p> <p>7 MR. BUCKNER: Object to the form.</p> <p>8 BY MR. GEWERTER:</p> <p>9 Q There's a question. Don't look at the document</p> <p>10 yet. That's next. There was still a question.</p> <p>11 A Normally, yes, both pilots are aware of what</p> <p>12 the clearances are.</p> <p>13 Q Both pilots at all times should be aware of all</p> <p>14 the clearances. Is that correct?</p> <p>15 A I said normally both pilots are aware of what</p> <p>16 the clearances are.</p> <p>17 Q And that's normal custom and practice in the</p> <p>18 industry?</p> <p>19 A Yes. And that's what he told me. "I was going</p> <p>20 to wake you up, we've been cleared down to 10,000 feet.</p> <p>21 (Deposition Exhibit 50 was marked for</p> <p>22 identification.)</p> <p>23 BY MR. GEWERTER:</p> <p>24 Q Look at Exhibit No. 50, please. Just handed --</p> <p>25 I think it's 50.</p>	<p style="text-align: right;">121</p> <p>1 document. I don't recall.</p> <p>2 Q Tell me why you declined to sign this document</p> <p>3 on or about September 3, 2008.</p> <p>4 A Because the company was offering \$7500 as a</p> <p>5 severance pay, and that would have precluded me from</p> <p>6 collecting unemployment.</p> <p>7 Q So that's the only reason why, because you</p> <p>8 wanted unemployment?</p> <p>9 A I wanted the unemployment, and I actually</p> <p>10 became suspicious about this full and general release of</p> <p>11 liability. I read through that and thought, "Are they</p> <p>12 trying to hide something?"</p> <p>13 Q And did you write back or somehow communicate</p> <p>14 with Mr. Daggett, and say, oh, by the way, I want my</p> <p>15 hazard duty pay?</p> <p>16 A No. I didn't do that.</p> <p>17 Q Again, you may have answered this this morning,</p> <p>18 and I apologize. When was the first time you came to</p> <p>19 the conclusion you felt you were owed hazard duty pay?</p> <p>20 A The -- there was a question due to the</p> <p>21 discussion that was going around in the company as to</p> <p>22 whether we were entitled hazardous duty pay. I became</p> <p>23 convinced of it upon information discovered by my</p> <p>24 attorneys.</p> <p>25 Q When was that again?</p>

32 (Pages 122 to 125)

<p style="text-align: right;">122</p> <p>1 A That was after they did their investigation, 2 and determined that it would be appropriate to proceed 3 with this lawsuit. 4 Q And when did you first hire this law firm to 5 represent you? 6 A I don't recall the date we signed the papers on 7 that. 8 Q And what was your fee agreement with this law 9 firm? 10 MR. BUCKNER: Objection. This is privileged 11 information, Harold. 12 MR. GEWERTER: Well, no, it's not. I'll tell 13 you why. 14 BY MR. GEWERTER: 15 Q You're seeking attorneys' fees in this case, 16 aren't you? In your complaint you're asking for 17 attorneys' fees. 18 MR. BUCKNER: You can answer if you know. 19 THE WITNESS: I'm not certain, but I think 20 that's correct. 21 BY MR. GEWERTER: 22 Q What is your fee agreement with this law firm? 23 MR. BUCKNER: Again, objection, Harold. This 24 is attorney-client privileged communications. 25 MR. GEWERTER: No. It's discovery on damages</p>	<p style="text-align: right;">124</p> <p>1 on videotape. 2 THE VIDEOGRAPHER: Let me go off the record 3 The time is 1:44. 4 (Discussion off the record.) 5 THE VIDEOGRAPHER: We're now back on the 6 record. The time is 1:46. 7 MR. BUCKNER: Before you start, Harold, let me 8 just put briefly on the record what I just offered 9 to you so you have it. 10 I said to you if you could find case law that 11 said that you were entitled to the fee arrangement 12 between us and our client, I'll be happy to give you 13 the fee arrangement between us and our client. 14 MR. GEWERTER: So my questions at this point in 15 time, on this date, you guys are refusing to answer 16 what the fee agreement is between yourself and this 17 client. Or actually between this client and this 18 law firm is what I should say. 19 MR. BUCKNER: That's correct. I believe it's 20 an attorney-client privileged matter, but if you 21 find case law that it isn't, I'll present you with 22 whatever documentation is necessary to establish 23 what that arrangement is. 24 MR. GEWERTER: Even though that's in the 25 complaint, this client is still refusing to answer?</p>
<p style="text-align: right;">123</p> <p>1 I have a right to know how much he's agreed to pay 2 you if you're seeking reimbursement from my client. 3 Otherwise I'm going to move to strike that part of 4 the complaint. So I have a right to know it. 5 MR. BUCKNER: There's a difference between his 6 fee arrangement with us and damages, as you know. 7 Attorneys' fees are not damages. And as you also 8 know, this is a certified class action. The Court 9 decides what award of attorneys' fees there will be. 10 So his agreement with us is a privileged matter 11 between us. 12 MR. GEWERTER: No, it's not. Because at some 13 point you're going to present that agreement to the 14 Court. That's just how it works. I've done these 15 before. 16 MR. BUCKNER: Why would I present the 17 agreement? I don't want to argue with you, but why 18 would -- 19 MR. GEWERTER: You're going to present the 20 agreement, you're going to say I have an agreement 21 to X percent or X numbers of dollars. 22 MR. BUCKNER: No, no, no. 23 Could we go off the record for a second? 24 MR. GEWERTER: That's fine. 25 MR. BUCKNER: I don't want to have this debate</p>	<p style="text-align: right;">125</p> <p>1 MR. BUCKNER: I'm instructing him not to answer 2 because it's privileged, and if you can find case 3 law that says you're entitled to it, I'll provide 4 you with that information. 5 MR. GEWERTER: Okay. That's fine. 6 BY MR. GEWERTER: 7 Q Go back to Exhibit No. 50. Is there a reason 8 why you didn't put in this later you declined to sign 9 because you want hazard duty pay? 10 A The primary reason was that I could -- I felt 11 that I would get more money through unemployment. And 12 the secondary reason was I didn't like waiving all of my 13 rights, which -- what appears the full and general 14 release of liability appeared to do. 15 Q One moment, please. 16 MR. GEWERTER: Would you mark this, please. 17 (Deposition Exhibit 51 was marked for 18 identification.) 19 BY MR. GEWERTER: 20 Q You've just been handed what's been marked 21 Exhibit 51 by the court reporter. Take your time and 22 look at this document, please, which I believe is 28 23 pages in length. 24 You want to read this, I have no problem with 25 that.</p>

<p style="text-align: right;">126</p> <p>1 Maybe we should take a quick break to give him</p> <p>2 a chance to read it, instead of wasting everyone's time.</p> <p>3 A I don't need to waste your time. I'm -- I'm</p> <p>4 ready to answer your questions.</p> <p>5 Q Okay. This says "Class Action Complaint, Jury</p> <p>6 Demand." Do you see that?</p> <p>7 A Yes.</p> <p>8 Q And in the caption, it says "Gerald Hester, on</p> <p>9 behalf of himself and all others similarly situated."</p> <p>10 Do you see that?</p> <p>11 A Yes.</p> <p>12 Q Now, whose decision was it that you would be</p> <p>13 the lead plaintiff in this case?</p> <p>14 A I was asked if I was willing to be the lead</p> <p>15 plaintiff in this case.</p> <p>16 Q Again, who asked you that?</p> <p>17 A My attorneys.</p> <p>18 Q And is that in the very first conversation you</p> <p>19 had with them or later on?</p> <p>20 A That was later on.</p> <p>21 Q And looking at the opening paragraph, "In the</p> <p>22 years after the devastating attacks of September 11,"</p> <p>23 who provided that information to put in this complaint?</p> <p>24 A I don't know. I was not the source.</p> <p>25 Q But you're the plaintiff in this case, though.</p>	<p style="text-align: right;">128</p> <p>1 imposes on commercial airline pilots." Is that a</p> <p>2 correct statement?</p> <p>3 A That is correct vis-a-vis airlines operating</p> <p>4 under Part 121.</p> <p>5 Q So if an airline is under Part 21, you</p> <p>6 acknowledge that there are age restrictions on pilots?</p> <p>7 A Under Part 121, yes, there are.</p> <p>8 Q And you're also aware under Part 121 that the</p> <p>9 company has the option to adopt a policy of its own</p> <p>10 concerning the age restrictions?</p> <p>11 MR. BUCKNER: Object to form. He's not an</p> <p>12 expert in the matter.</p> <p>13 MR. GEWERTER: I'm just asking him if he's</p> <p>14 aware.</p> <p>15 THE WITNESS: I'm not aware of that.</p> <p>16 BY MR. GEWERTER:</p> <p>17 Q And you knew that Vision was transitioning to</p> <p>18 Part 121. Correct?</p> <p>19 A No.</p> <p>20 MR. BUCKNER: Object to the form.</p> <p>21 BY MR. GEWERTER:</p> <p>22 Q You did not know they were transitioning to</p> <p>23 Part 121?</p> <p>24 A I do now. I didn't know when I was hired.</p> <p>25 Q Okay. And how old were you when you were hired</p>
<p style="text-align: right;">127</p> <p>1 Correct?</p> <p>2 A I'm the plaintiff.</p> <p>3 Q SO looking at the first paragraph which starts</p> <p>4 on page 1, and ends on page 2, which ends, "The United</p> <p>5 States is engaged," did any of that information come</p> <p>6 from you, that first full paragraph?</p> <p>7 A No. I'm sorry.</p> <p>8 No, no, sir.</p> <p>9 Q The next paragraph, it starts "Vision Airlines,</p> <p>10 Inc.," and at the very end it says "as to all other</p> <p>11 matters," did any of that information come from you?</p> <p>12 A No.</p> <p>13 Q Let's go to paragraph No. 1, under "Parties,"</p> <p>14 which starts on page 2, and ends on the top of page 3.</p> <p>15 Take a look at that and let me know what information, if</p> <p>16 any, came from you concerning the allegations in</p> <p>17 paragraph numbered one?</p> <p>18 A I provided that information.</p> <p>19 Q All of it?</p> <p>20 A Up to 76, Boeing 767s.</p> <p>21 Q Where are you reading? The bottom of page 2?</p> <p>22 A Yes.</p> <p>23 Q Go up about five lines from there, it says</p> <p>24 "he," which refers to you, "retired in September 2000</p> <p>25 upon reaching the mandatory requirement age Congress</p>	<p style="text-align: right;">129</p> <p>1 by Vision?</p> <p>2 A I was 65.</p> <p>3 Q And under Part 121, you already reached the</p> <p>4 maximum age mandatory -- the mandatory age for</p> <p>5 requirement. Correct?</p> <p>6 A Correct.</p> <p>7 Q And are you aware of any effort that the</p> <p>8 client, the government client, wanted all pilots past</p> <p>9 age 65 not to fly in their flights?</p> <p>10 A No, I'm not.</p> <p>11 Q Go to paragraph No. 3. I'm sorry. It's</p> <p>12 paragraph No. 2 on page 3. It says, "Vision is a</p> <p>13 specialty charter airline." Do you see that?</p> <p>14 A Yes, I do.</p> <p>15 Q What information, if any, did you provide that</p> <p>16 went into that paragraph?</p> <p>17 A I did not provide any of that.</p> <p>18 Q Do you know where it came from?</p> <p>19 A It was developed by my attorneys.</p> <p>20 Q Did you read this complaint before it was filed</p> <p>21 with the United States District Court?</p> <p>22 A I did read through it.</p> <p>23 Q And did you make any changes to it?</p> <p>24 A I made a couple of changes with respect to my</p> <p>25 personal information.</p>

34 (Pages 130 to 133)

<p style="text-align: right;">130</p> <p>1 Q But you read each and every line of each and</p> <p>2 every page of this document that was filed on</p> <p>3 January 20, 2009?</p> <p>4 A Yes, I did.</p> <p>5 Q And when you read this document, there's some</p> <p>6 pretty sensitive information in here about where they</p> <p>7 fly, where you flew, the nature of the flying, and the</p> <p>8 nature of the program?</p> <p>9 MR. BUCKNER: Object to the form.</p> <p>10 BY MR. GEWERTER:</p> <p>11 Q Go back to the very first line of the first</p> <p>12 page and take your time and go through.</p> <p>13 MR. BUCKNER: I'm sorry. Do you want him to</p> <p>14 read the whole thing?</p> <p>15 MR. GEWERTER: No. Just go up until the top --</p> <p>16 through paragraph numbered two for right now.</p> <p>17 THE WITNESS: Okay. I have read up to</p> <p>18 "parties."</p> <p>19 BY MR. GEWERTER:</p> <p>20 Q It should be up to the word "jurisdiction."</p> <p>21 A Oh, you want me to go to "jurisdiction"?</p> <p>22 Q Yes.</p> <p>23 A Okay. I've read that.</p> <p>24 Q Do you believe any of the information contained</p> <p>25 in that part of the complaint is covered by either of</p>	<p style="text-align: right;">132</p> <p>1 MR. BUCKNER: Objection. It's argumentative.</p> <p>2 MR. GEWERTER: It's not argumentative. It's</p> <p>3 cross.</p> <p>4 MR. BUCKNER: It's an objection, Harold. Not</p> <p>5 arguing with you. It's an objection.</p> <p>6 BY MR. GEWERTER:</p> <p>7 Q Let's go to the next paragraph, under</p> <p>8 "jurisdiction." Do you see that in front of you?</p> <p>9 A Yes, I do.</p> <p>10 Q I don't care about the statutes. That's</p> <p>11 nothing that I want to worry about in particular. But</p> <p>12 it says the amount in controversy exceeds \$75,000. Are</p> <p>13 you alleging that you're owed a sum in excess of</p> <p>14 \$75,000?</p> <p>15 MR. BUCKNER: Objection. Mischaracterizes.</p> <p>16 MR. GEWERTER: I'm just asking him if he is.</p> <p>17 MR. BUCKNER: Okay.</p> <p>18 MR. GEWERTER: He can tell me whatever he likes</p> <p>19 to tell me.</p> <p>20 THE WITNESS: I'm uncertain as to how much I am</p> <p>21 individually owed, but I believe that the amount for</p> <p>22 the class is significantly in excess of 75,000.</p> <p>23 BY MR. GEWERTER:</p> <p>24 Q Do you believe the amount in the class is</p> <p>25 significantly in excess of \$5 million?</p>
<p style="text-align: right;">131</p> <p>1 the two NDAs that you signed?</p> <p>2 A No, I did not.</p> <p>3 Q Did you read your NDAs again before you</p> <p>4 approved this complaint?</p> <p>5 MR. BUCKNER: Object to the form.</p> <p>6 BY MR. GEWERTER:</p> <p>7 Q Go ahead and answer it.</p> <p>8 A I don't recall.</p> <p>9 Q In fact, you could not have, because you said</p> <p>10 earlier you didn't have copies.</p> <p>11 A Yeah, I didn't have copies of those, so I</p> <p>12 couldn't have.</p> <p>13 Q So the answer is you could not have reread your</p> <p>14 two NDAs at the time this complaint was filed on</p> <p>15 January 20, 2009, because you allege you didn't have</p> <p>16 copies of them.</p> <p>17 A I didn't have copies, so I couldn't have read</p> <p>18 it.</p> <p>19 Q So you had no basis to compare the NDAs to</p> <p>20 information contained in this complaint do you -- or did</p> <p>21 you at the time?</p> <p>22 A No, none other than my recollection of them.</p> <p>23 Q But earlier you couldn't recollect what was in</p> <p>24 the documents, the NDAs?</p> <p>25 A That's true.</p>	<p style="text-align: right;">133</p> <p>1 A I don't know the amount at issue.</p> <p>2 Q In fact, it's a fair statement, when you filed</p> <p>3 this complaint, you have no basis, factual basis, to</p> <p>4 determine how much you are owed individually. Did you?</p> <p>5 A I did not.</p> <p>6 Q And you have no basis to determine what was</p> <p>7 owed collectively to the proposed class at that time,</p> <p>8 did you?</p> <p>9 A No. The amount of the hazard pay that Vision</p> <p>10 collected was not disclosed to us employees.</p> <p>11 Q So you had no basis to put these numbers in</p> <p>12 there, did you?</p> <p>13 MR. BUCKNER: Object to the form.</p> <p>14 BY MR. GEWERTER:</p> <p>15 Q You can answer.</p> <p>16 A Again, I rely on my counsel to make the</p> <p>17 investigation and determination on that.</p> <p>18 Q But you provided facts to your counsel, though,</p> <p>19 didn't you?</p> <p>20 A About myself.</p> <p>21 Q Who else provided facts to the same law firm?</p> <p>22 MR. BUCKNER: Object to form.</p> <p>23 Stop a second. You can answer the question if</p> <p>24 you know it without having gotten it from us. If</p> <p>25 you got it from a conversation from us, it's</p>

<p style="text-align: right;">134</p> <p>1 attorney-client privileged communication and I'm</p> <p>2 instructing you not to answer.</p> <p>3 THE WITNESS: You have to ask them. I don't</p> <p>4 know where they got their information.</p> <p>5 BY MR. GEWERTER:</p> <p>6 Q So they called you up and said do you want to</p> <p>7 be a plaintiff in this case. Is that what happened?</p> <p>8 MR. BUCKNER: Object to the form.</p> <p>9 Mischaracterizes testimony.</p> <p>10 BY MR. GEWERTER:</p> <p>11 Q Well, somehow information got on this complaint</p> <p>12 that you allege did not come from you. Is that correct?</p> <p>13 A That is correct.</p> <p>14 Q Do you know where the information came from,</p> <p>15 which individuals?</p> <p>16 A I do not.</p> <p>17 Q Did you ask that question before you authorized</p> <p>18 the filing of this complaint in your behalf on</p> <p>19 January 20th, 2009?</p> <p>20 MR. BUCKNER: I'm going to object, because you</p> <p>21 would have had to asked us. That's attorney-client</p> <p>22 privilege. I'm instructing you not to answer.</p> <p>23 BY MR. GEWERTER:</p> <p>24 Q Did you ask anyone other than your lawyer that</p> <p>25 same question?</p>	<p style="text-align: right;">136</p> <p>1 MR. BUCKNER: Objection. He didn't draft the</p> <p>2 complaint.</p> <p>3 MR. GEWERTER: Oh, he's responsible for what's</p> <p>4 in here. Make no mistake about that.</p> <p>5 MR. BUCKNER: He didn't draft the complaint.</p> <p>6 You can answer.</p> <p>7 MR. GEWERTER: You're responsible for what your</p> <p>8 lawyer does. I'll have that debate in front of any</p> <p>9 court anywhere.</p> <p>10 MR. BUCKNER: Okay.</p> <p>11 BY MR. GEWERTER:</p> <p>12 Q In paragraph 8, it talks about in</p> <p>13 February 2008, Reuters reported that more than a</p> <p>14 thousand government contractors have died in</p> <p>15 Afghanistan. How do you know that information? Did you</p> <p>16 read the Reuters report yourself?</p> <p>17 A I did not.</p> <p>18 Q Do you know who did?</p> <p>19 A I did not.</p> <p>20 Q And how was that a basis or relevant in any</p> <p>21 manner whatsoever to you receiving hazard duty pay?</p> <p>22 MR. BUCKNER: Objection. Argumentative.</p> <p>23 BY MR. GEWERTER:</p> <p>24 Q Go ahead and answer.</p> <p>25 A Hazard pay is pay for folks who undergo</p>
<p style="text-align: right;">135</p> <p>1 A No.</p> <p>2 Q Go to the bottom of page 3 under "facts."</p> <p>3 Paragraph six. Do you see that?</p> <p>4 A Yes.</p> <p>5 Q Look at paragraph six. You can read it to</p> <p>6 yourself, and you tell me where that information came</p> <p>7 from, if you know.</p> <p>8 A I do not know.</p> <p>9 Q Did you provide any of the information this is</p> <p>10 contained in paragraph six commencing on the bottom of</p> <p>11 page 3?</p> <p>12 A No, I did not.</p> <p>13 Q Let's go to paragraph seven. Same question.</p> <p>14 Do you know where that information came from?</p> <p>15 A No, I do not.</p> <p>16 Q Did you provide any of the information?</p> <p>17 A No, I did not.</p> <p>18 Q Go to paragraph eight. How do you know how</p> <p>19 many soldiers have died in the wars in Iraq and</p> <p>20 Afghanistan?</p> <p>21 A I don't know, but what information is in the</p> <p>22 public record I would -- I would be comfortable with</p> <p>23 that.</p> <p>24 Q And what does that have to do with you</p> <p>25 receiving or alleging the receipt of hazard duty pay?</p>	<p style="text-align: right;">137</p> <p>1 hazardous assignments.</p> <p>2 Q How do you define -- go ahead.</p> <p>3 A We -- our pilots, flight attendants and</p> <p>4 mechanics -- to the best of my knowledge, were the only</p> <p>5 people at Vision Airlines who undertook hazardous duty</p> <p>6 and as such, if Vision received hazard pay, it</p> <p>7 rightfully belongs to those people who endured the</p> <p>8 hazard.</p> <p>9 Q How do you define the word "hazard"?</p> <p>10 A That would be a significant chance of injury or</p> <p>11 harm from your activities.</p> <p>12 Q Has anyone at Vision been injured or harmed as</p> <p>13 part of this Air Bridge program?</p> <p>14 A Yes.</p> <p>15 Q Whom?</p> <p>16 A Flight attendant was injured on a flight.</p> <p>17 Q How?</p> <p>18 A I believe she broke her hand or her wrist.</p> <p>19 Q Doing what?</p> <p>20 A She was just performing her duties in the</p> <p>21 service.</p> <p>22 Q Had nothing to do with going into a war zone,</p> <p>23 did it?</p> <p>24 A No.</p> <p>25 Q So it wasn't hazard-related, was it?</p>

36 (Pages 138 to 141)

<p style="text-align: right;">138</p> <p>1 A That injury, no.</p> <p>2 Q Did you fly into both Baghdad and Kabul?</p> <p>3 A I did.</p> <p>4 Q Did all the pilots fly into both Baghdad and</p> <p>5 Kabul?</p> <p>6 A The time I was there, yes.</p> <p>7 Q But you said at the time you were there. Did</p> <p>8 that change or do you have any knowledge of that?</p> <p>9 A I don't know.</p> <p>10 Q How about the flight attendants?</p> <p>11 A Yes, I believe all the flight attendants went</p> <p>12 into both locations.</p> <p>13 Q And what about the mechanics?</p> <p>14 A Yes, I believe they did.</p> <p>15 Q You believe or you're speculating or just not</p> <p>16 sure?</p> <p>17 A I -- I would have to check the schedules to see</p> <p>18 where they were assigned.</p> <p>19 Q Now, when you flew into Baghdad and Kabul, you</p> <p>20 actually flew into a base that was protected by the U.S.</p> <p>21 military. Is that correct?</p> <p>22 A There was a U.S. military presence there, yes.</p> <p>23 Q In fact, it's quite large, even at the time you</p> <p>24 flew you there. Correct? You're shaking your head yes,</p> <p>25 but I need an audible --</p>	<p style="text-align: right;">140</p> <p>1 Q Who told you to vector away or hold off to the</p> <p>2 side?</p> <p>3 A Air traffic controllers.</p> <p>4 Q Are those private contractors or are they</p> <p>5 military?</p> <p>6 A I don't know.</p> <p>7 Q Well, you spoke with them, didn't, you on the</p> <p>8 radio?</p> <p>9 A Yes.</p> <p>10 Q And you didn't have any conversation who they</p> <p>11 worked for, who they were?</p> <p>12 A No.</p> <p>13 Q And were you ever shot at while flying a plane</p> <p>14 into Baghdad or Kabul?</p> <p>15 A Not my knowledge.</p> <p>16 Q Well, you would know if you were shot at,</p> <p>17 wouldn't you?</p> <p>18 A Not necessarily.</p> <p>19 Q Do you see someone shoot at you while you were</p> <p>20 taking off or landing to either Kabul or Baghdad?</p> <p>21 A No.</p> <p>22 Q Did somebody tell you afterwards, oh, by the</p> <p>23 way, you may not have known about it, but there's</p> <p>24 missiles going by us here, we almost got killed?</p> <p>25 You want to re-read the question back?</p>
<p style="text-align: right;">139</p> <p>1 A I'm sorry. Yes, I believe so.</p> <p>2 Q Do you feel safe flying into a base that's</p> <p>3 protected by the U.S. military?</p> <p>4 A The military is not always in total control.</p> <p>5 Q Wasn't my question. Was there a time period</p> <p>6 that you flew into Baghdad or Kabul when the military</p> <p>7 was not in control when you landed or took out?</p> <p>8 MR. BUCKNER: Object to the form. Outside his</p> <p>9 knowledge.</p> <p>10 MR. GEWERTER: At the time you took off or</p> <p>11 landed? That's directly within his knowledge?</p> <p>12 MR. BUCKNER: Whether the military was in</p> <p>13 control, Harold?</p> <p>14 MR. GEWERTER: If he knows or doesn't know.</p> <p>15 BY MR. GEWERTER:</p> <p>16 Q Was there chaos on the ground? Did it look</p> <p>17 like a war zone or not a war zone or what did it look</p> <p>18 like?</p> <p>19 MR. BUCKNER: Same objection.</p> <p>20 THE WITNESS: There were many times we were</p> <p>21 vectored around due to active areas near the airport</p> <p>22 where there was fighting. And we were directed away</p> <p>23 and had to delay our arrival or were told to hold</p> <p>24 off to the side.</p> <p>25 BY MR. GEWERTER:</p>	<p style="text-align: right;">141</p> <p>1 A Please.</p> <p>2 MR. GEWERTER: Could you please read that back.</p> <p>3 (The question was read by the reporter as above</p> <p>4 recorded.)</p> <p>5 THE WITNESS: No.</p> <p>6 BY MR. GEWERTER:</p> <p>7 Q Do you have any knowledge that you ever</p> <p>8 personally were in imminent danger of bodily harm or</p> <p>9 death while you flew for Vision Airlines?</p> <p>10 A No.</p> <p>11 Q Look at paragraph No. 9 on the bottom of</p> <p>12 page 4. Did any of that information come from you?</p> <p>13 A No.</p> <p>14 Q Do you know who it came from?</p> <p>15 A I do not.</p> <p>16 Q Look at paragraph No. 10. Did any of that</p> <p>17 information come from you?</p> <p>18 A No.</p> <p>19 Q Do you know who it came from?</p> <p>20 A I do not.</p> <p>21 Q Did you read paragraph ten before this</p> <p>22 complaint was filed?</p> <p>23 A Yes.</p> <p>24 Q Did you read this complaint line by line, word</p> <p>25 by word, or you just kind of cursory looked at this</p>

<p style="text-align: right;">142</p> <p>1 before it was filed?</p> <p>2 A No, I read it.</p> <p>3 Q And did you agree with the filing of this</p> <p>4 complaint?</p> <p>5 A Beg your pardon?</p> <p>6 Q Did you agree to have this complaint filed in</p> <p>7 your behalf?</p> <p>8 A Yes.</p> <p>9 Q But when you filed this complaint, you didn't</p> <p>10 take into account your two NDAs that you signed, did</p> <p>11 you?</p> <p>12 MR. BUCKNER: Object to the form.</p> <p>13 Mischaracterizes testimony.</p> <p>14 THE WITNESS: There's nothing in this complaint</p> <p>15 that violates either of those documents.</p> <p>16 BY MR. GEWERTER:</p> <p>17 Q And you know that why?</p> <p>18 A I've reviewed it.</p> <p>19 Q Reviewed what? The NDAs or the complaint?</p> <p>20 A I've reviewed both of them now.</p> <p>21 Q That's now. But did you -- you didn't renew</p> <p>22 the NDAs right before you filed this complaint, though,</p> <p>23 did you?</p> <p>24 A No. But based on what I did know, or remember</p> <p>25 about it, there's nothing in here that violated those.</p>	<p style="text-align: right;">144</p> <p>1 they gave those call signs.</p> <p>2 Q But you knew if you were flying a regular</p> <p>3 commercial flight that would be an improper call sign,</p> <p>4 wouldn't it?</p> <p>5 A If you were flying a normal, regular scheduled</p> <p>6 airline, that would be abnormal.</p> <p>7 Q And knowing that this would otherwise be</p> <p>8 abnormal, you didn't ask that question of someone in</p> <p>9 Vision?</p> <p>10 A I didn't ask that question.</p> <p>11 Q And you didn't ask whether or not the air</p> <p>12 traffic controllers were private contractors or whether</p> <p>13 they were government, military personnel?</p> <p>14 A I did not ask that question.</p> <p>15 Q Did you discuss that with anyone?</p> <p>16 A No.</p> <p>17 Q And you didn't discuss with anyone why you got</p> <p>18 the call sign that had the different N number?</p> <p>19 A No, I didn't. I was told this is what we use</p> <p>20 once we cross this fix.</p> <p>21 Q Who told you that?</p> <p>22 A The pilots who had been there before me, who</p> <p>23 were training me.</p> <p>24 Q Did Jim Maguire tell you that?</p> <p>25 A No.</p>
<p style="text-align: right;">143</p> <p>1 MR. GEWERTER: I think we're being told we're</p> <p>2 short on time with the tape, so let's take a break.</p> <p>3 THE VIDEOGRAPHER: Going off the record. The</p> <p>4 time is 2:11.</p> <p>5 (Recess taken.)</p> <p>6 THE VIDEOGRAPHER: We're now back on the</p> <p>7 record. The time is 2:34.</p> <p>8 BY MR. GEWERTER:</p> <p>9 Q Mr. Hester, before the break I was asking you</p> <p>10 about flying into Kabul and to Baghdad, and you weren't</p> <p>11 sure if the personnel were military or nonmilitary</p> <p>12 personnel. Is that correct?</p> <p>13 A Correct, correct.</p> <p>14 Q Didn't you have a military call sign to get</p> <p>15 into the airport in Baghdad?</p> <p>16 A We had a call sign that was not the N number of</p> <p>17 the airport.</p> <p>18 Q Why was that?</p> <p>19 A I don't know.</p> <p>20 Q Didn't that raise any suspicions, because you</p> <p>21 were an experienced pilot, on using the different call</p> <p>22 sign that doesn't have the right N number? I mean,</p> <p>23 you've been doing this for decades. That doesn't raise</p> <p>24 any suspicions in your mind?</p> <p>25 A I can speculate on that, but I don't know why</p>	<p style="text-align: right;">145</p> <p>1 Q Did Brian Daggett tell you that?</p> <p>2 A No.</p> <p>3 Q Did Dan Carson tell you that?</p> <p>4 A I don't recall.</p> <p>5 Q But somebody told you once you get past a</p> <p>6 certain point in air space that you then change your</p> <p>7 call sign numbers?</p> <p>8 A Yes.</p> <p>9 Q And that didn't raise any red flags in your</p> <p>10 mind is what you're saying under oath?</p> <p>11 A What do you mean, "red flags"?</p> <p>12 Q You didn't say, gee, something is very</p> <p>13 suspicious here? You didn't think that to yourself?</p> <p>14 Why are we doing something that's not in the ordinary</p> <p>15 course of what a pilot would normally act?</p> <p>16 A I figured that was to identify us in that air</p> <p>17 space.</p> <p>18 Q Have you ever had that happen any time other in</p> <p>19 your career?</p> <p>20 A No.</p> <p>21 Q And about how many flights did you fly before</p> <p>22 you started working for Vision in your career?</p> <p>23 Thousands?</p> <p>24 A Thousands.</p> <p>25 Q You say thousand or thousands?</p>

38 (Pages 146 to 149)

<p style="text-align: right;">146</p> <p>1 A Thousands.</p> <p>2 Q Of all those thousands of flights, this is the</p> <p>3 first time that happened. Correct?</p> <p>4 A Yes.</p> <p>5 Q And that didn't raise any suspicions is what</p> <p>6 you're saying?</p> <p>7 MR. BUCKNER: Objection. Asked and answered.</p> <p>8 THE WITNESS: That's the way they did it in</p> <p>9 those areas.</p> <p>10 BY MR. GEWERTER:</p> <p>11 Q What do you mean, "those areas"?</p> <p>12 A The destinations to which we were flying.</p> <p>13 Q How would you describe those destinations?</p> <p>14 A With respect to what?</p> <p>15 Q Were they tourists? What were these stops for?</p> <p>16 It was to fly personnel for the government. Correct?</p> <p>17 A Yes.</p> <p>18 Q And you knew that all along?</p> <p>19 A Yes.</p> <p>20 Q And you knew there was special procedures that</p> <p>21 were in place because of the government personnel?</p> <p>22 A Yes. Those were war zones.</p> <p>23 Q War zones. And when you landed you saw</p> <p>24 military personnel there near the runway. Correct?</p> <p>25 A No, I didn't.</p>	<p style="text-align: right;">148</p> <p>1 A No.</p> <p>2 Q Was there a reason for that?</p> <p>3 A No.</p> <p>4 Q Just didn't think it was important or just no</p> <p>5 reason?</p> <p>6 A Didn't come up.</p> <p>7 Q You didn't feel you were in danger at any time</p> <p>8 when you did that either, did you? You didn't see guys</p> <p>9 trying to shoot at you on the ground when you were</p> <p>10 there, did you?</p> <p>11 MR. BUCKNER: Objection. Asked and answered.</p> <p>12 THE WITNESS: I didn't see anyone shooting at</p> <p>13 us on the ground. We were encouraged to hustle up</p> <p>14 and get out, because of activity near the airport on</p> <p>15 occasion.</p> <p>16 BY MR. GEWERTER:</p> <p>17 Q Look at page 5, paragraph ten, please, of --</p> <p>18 I'm sorry, of Exhibit 51, which is the complaint on file</p> <p>19 in this case, that was filed in your behalf.</p> <p>20 A Uh-huh.</p> <p>21 Q Did any of the information in paragraph ten</p> <p>22 come from you?</p> <p>23 A No.</p> <p>24 Q Are you aware of such information?</p> <p>25 A What do you mean, am I aware?</p>
<p style="text-align: right;">147</p> <p>1 Q You didn't see guys wearing green fatigues near</p> <p>2 the airport?</p> <p>3 A No, I didn't.</p> <p>4 Q You never saw military hardware on the ground?</p> <p>5 A Yes, on occasion.</p> <p>6 Q What did you see? American Airlines and</p> <p>7 Continental Airlines on the ground there?</p> <p>8 A No. Helicopters.</p> <p>9 Q What kind of helicopters? Government or</p> <p>10 private helicopters?</p> <p>11 A As far as I could tell, they looked like they</p> <p>12 were government helicopters.</p> <p>13 Q How can you tell that?</p> <p>14 A Paint scheme.</p> <p>15 Q What does that mean, "paint scheme"?</p> <p>16 A The way they were painted.</p> <p>17 Q And you're qualified to make that statement,</p> <p>18 then, aren't you, because you were in the military for</p> <p>19 24 years?</p> <p>20 A They looked like military helicopters to me.</p> <p>21 Q And did you discuss that with anyone else at</p> <p>22 the time you were taking off or landing, this looks like</p> <p>23 military helicopters that we're next to?</p> <p>24 A No.</p> <p>25 Q Did you discuss it with any copilots?</p>	<p style="text-align: right;">149</p> <p>1 Q Let me ask you this. Is flying aircraft to and</p> <p>2 from the airports in Baghdad and Kabul extremely</p> <p>3 dangerous?</p> <p>4 A Yes, it is.</p> <p>5 Q It wasn't for you, though, was it?</p> <p>6 A Yes, it was. I was subject to the same dangers</p> <p>7 as others.</p> <p>8 Q But you said earlier that you never had anyone</p> <p>9 shoot at you and you never felt in imminent danger, did</p> <p>10 you?</p> <p>11 MR. BUCKNER: Objection. Mischaracterizes</p> <p>12 testimony.</p> <p>13 MR. GEWERTER: He used the word "imminent</p> <p>14 danger."</p> <p>15 MR. BUCKNER: Actually, you did.</p> <p>16 MR. GEWERTER: And he agreed.</p> <p>17 MR. BUCKNER: Mischaracterizes testimony.</p> <p>18 BY MR. GEWERTER:</p> <p>19 Q And you agreed, sir, didn't you?</p> <p>20 A I didn't feel threatened on the ground other</p> <p>21 than those occasions when we were told that we needed to</p> <p>22 expedite our departure.</p> <p>23 Q And how many times were you told you needed to</p> <p>24 expedite your departure?</p> <p>25 A Two or three times.</p>

<p style="text-align: right;">150</p> <p>1 Q And how many times did you fly in and out of</p> <p>2 Baghdad and Kabul?</p> <p>3 A I don't recall.</p> <p>4 Q More than a hundred?</p> <p>5 A No.</p> <p>6 Q More than 50?</p> <p>7 A Yes.</p> <p>8 Q So it's a couple percent of the times then?</p> <p>9 A Yes.</p> <p>10 Q Look at the second page -- I'm sorry, second</p> <p>11 line of paragraph ten. "Aircraft typically arrive or</p> <p>12 depart these airports under the cover of darkness to</p> <p>13 avoid light arms fire, rocket propelled grenades and</p> <p>14 missile attacks."</p> <p>15 You never saw any of that, though, did you?</p> <p>16 MR. BUCKNER: Objection as to what "that" is.</p> <p>17 BY MR. GEWERTER:</p> <p>18 Q Did you ever see any light arms fire, rocket</p> <p>19 propelled grenades or missile attacks directed at you</p> <p>20 flying in and out of Baghdad or Kabul?</p> <p>21 A I saw a lot of light arms fire. I couldn't</p> <p>22 tell if it was directed at us.</p> <p>23 Q You heard gunshots. Right?</p> <p>24 A I didn't hear them. I saw -- I saw areas where</p> <p>25 there were fire fights going on.</p>	<p style="text-align: right;">152</p> <p>1 or is that just something you believe?</p> <p>2 A That's something I believe.</p> <p>3 Q You never actually researched this yourself,</p> <p>4 did you?</p> <p>5 A No, I did not. I'm guided by my attorneys, who</p> <p>6 I trust.</p> <p>7 Q So your attorneys told you that's in the public</p> <p>8 domain?</p> <p>9 A Correct.</p> <p>10 Q The same paragraph, let's go up to the second</p> <p>11 line. I asked you -- I'm going to ask you a different</p> <p>12 question about the same sentence. "Aircraft typically</p> <p>13 arrive or depart these airports under the cover of</p> <p>14 darkness to avoid light arms fire, rocket propelled</p> <p>15 grenades and missile attacks."</p> <p>16 You don't feel that's confidential information,</p> <p>17 to avoid somebody getting that in the public domain,</p> <p>18 where there might be somebody's death or life at risk?</p> <p>19 MR. BUCKNER: Object to the form.</p> <p>20 BY MR. GEWERTER:</p> <p>21 Q Well, "under the cover of darkness," that</p> <p>22 doesn't seem like some kind of secret; it shouldn't be</p> <p>23 out in the public domain to save lives?</p> <p>24 MR. BUCKNER: Object to the form.</p> <p>25</p>
<p style="text-align: right;">151</p> <p>1 Q At the airport?</p> <p>2 A In the vicinity of the airport.</p> <p>3 Q How do you define the word "vicinity"? How far</p> <p>4 away in miles?</p> <p>5 A Two to three miles.</p> <p>6 Q Did you see where it came from or you were told</p> <p>7 or heard?</p> <p>8 A You could see the flashes on the ground.</p> <p>9 Q Did anyone tell you what that was? Whether or</p> <p>10 not it was light arms fire or whether it was rockets --</p> <p>11 rockets or whether it was --</p> <p>12 A No.</p> <p>13 Q -- a late 4th of July or something else?</p> <p>14 A No.</p> <p>15 Q You see the next line, it says, "In fact all</p> <p>16 flights arriving and departing from the airports in</p> <p>17 Baghdad and Kabul must be authorized by either the</p> <p>18 United States or British military operational command</p> <p>19 centers located in those cities." Is that an accurate</p> <p>20 statement?</p> <p>21 A I believe it is.</p> <p>22 Q And you know that why?</p> <p>23 A I believe that information is in the public</p> <p>24 domain.</p> <p>25 Q Have you seen it yourself in the public domain</p>	<p style="text-align: right;">153</p> <p>1 BY MR. GEWERTER:</p> <p>2 Q You can answer.</p> <p>3 A That's when we went in. That's when I went in.</p> <p>4 Q Who told you to go under the cover of darkness?</p> <p>5 A Vision Airlines.</p> <p>6 Q Your employer told you to do that. Did they</p> <p>7 tell you why?</p> <p>8 A It was understood that it was safer.</p> <p>9 Q It was a safety issue, wasn't it?</p> <p>10 A Uh-huh.</p> <p>11 Q Because you don't want the bad guys knowing</p> <p>12 when you come in and out of Kabul and Baghdad, do you?</p> <p>13 A Right.</p> <p>14 Q And if they do find out, people's lives could</p> <p>15 be at risk. Correct?</p> <p>16 MR. BUCKNER: Objection. Seeks speculation.</p> <p>17 THE WITNESS: If you come in under daylight</p> <p>18 conditions it increases the risk.</p> <p>19 BY MR. GEWERTER:</p> <p>20 Q So therefore you use a secret to come under</p> <p>21 darkness to avoid the bad guys shooting at you.</p> <p>22 A It's not a secret. Just come in at night.</p> <p>23 Q Go to paragraph 11 on page 5, please. Did any</p> <p>24 of that information come from you that went in this</p> <p>25 complaint?</p>

40 (Pages 154 to 157)

<p style="text-align: right;">154</p> <p>1 A No.</p> <p>2 Q Well, let me look at the first sentence of</p> <p>3 paragraph 11 on page 5. "To reduce the likelihood of</p> <p>4 rocket and missile attacks, aircraft arriving and</p> <p>5 departing Baghdad International Airport must observe</p> <p>6 blackout procedures, which required all exterior and</p> <p>7 interior aircraft light (except for cockpit instruments)</p> <p>8 to be turned off."</p> <p>9 Well, you're talking about blackout procedures</p> <p>10 here, don't you?</p> <p>11 MR. BUCKNER: Object to the form.</p> <p>12 BY MR. GEWERTER:</p> <p>13 Q Is that something that you utilized, a blackout</p> <p>14 procedure?</p> <p>15 A Yes, I did.</p> <p>16 Q And why did you use blackout procedures?</p> <p>17 A I was told that was a standard procedure.</p> <p>18 Q For safety reasons. Right?</p> <p>19 A Uh-huh.</p> <p>20 Q In fact, safety to avoid the likelihood of</p> <p>21 rockets and missile attacks. Correct?</p> <p>22 A Yes.</p> <p>23 Q You didn't find that to be confidential</p> <p>24 information to keep out of the public domain?</p> <p>25 A No.</p>	<p style="text-align: right;">156</p> <p>1 cover of darkness and extensive security precautions,</p> <p>2 numerous aircraft have been targeted and shot down</p> <p>3 flying to and from the airports in Baghdad and Kabul."</p> <p>4 Then you go into, "For example, November 22, 2003."</p> <p>5 That was not a Vision Airlines flight, was it?</p> <p>6 MR. BUCKNER: Object to the form.</p> <p>7 THE WITNESS: That was not a Vision Airlines</p> <p>8 flight.</p> <p>9 BY MR. GEWERTER:</p> <p>10 Q And do you know whose flight that was?</p> <p>11 A That was DHL.</p> <p>12 Q How do you know that?</p> <p>13 A I read about it. I saw the pictures of it.</p> <p>14 Q How about the next one, "February 1, 2005, a</p> <p>15 C-130 cargo plane crashed after takeoff....when it</p> <p>16 sustained light arms fire, killing one of the crew</p> <p>17 members onboard."</p> <p>18 How do you know that information?</p> <p>19 MR. BUCKNER: Object to form.</p> <p>20 THE WITNESS: I didn't supply the information.</p> <p>21 BY MR. GEWERTER:</p> <p>22 Q Do you know who the airline was?</p> <p>23 A No, I do not.</p> <p>24 Q Do you know whether it was even a government</p> <p>25 plane or a private contracted plane?</p>
<p style="text-align: right;">155</p> <p>1 Q And then it says, "In addition, aircraft</p> <p>2 arriving and departing Baghdad must utilize a dangerous</p> <p>3 corkscrew procedure." What does that refer to, a</p> <p>4 corkscrew procedure?</p> <p>5 A That's a spiral procedure where you circle over</p> <p>6 the airport.</p> <p>7 Q That's not something that's only done with</p> <p>8 commercial flights, is it?</p> <p>9 A That's not a normal arrival.</p> <p>10 Q In fact, that's done for safety reasons also.</p> <p>11 Right?</p> <p>12 A Yes.</p> <p>13 Q And it's done for what reason? To avoid</p> <p>14 aircraft fire at you?</p> <p>15 A Yes. To stay within a safer zone.</p> <p>16 Q That's to stay within the areas most heavily</p> <p>17 fortified by the U.S. military. Correct?</p> <p>18 A Correct.</p> <p>19 Q And you knew you're flying into a</p> <p>20 military-protected area. Correct?</p> <p>21 A Yes.</p> <p>22 Q Go to paragraph 12. Did anything in that</p> <p>23 paragraph 12 on page 5 come from you?</p> <p>24 A No.</p> <p>25 Q You say in here that, "Despite flying under the</p>	<p style="text-align: right;">157</p> <p>1 A I do not.</p> <p>2 Q Did you ask that question before you authorized</p> <p>3 this complaint to be filed on your behalf?</p> <p>4 A No.</p> <p>5 Q Go to paragraph 13. Right above it there's a</p> <p>6 subheading called "Hazard Pay." Did you read paragraph</p> <p>7 13 before it was filed with this court?</p> <p>8 A Yes.</p> <p>9 Q And paragraph 13 refers to hazard pay for</p> <p>10 government employees. Correct?</p> <p>11 A Yes.</p> <p>12 Q You were never a government employee, were you,</p> <p>13 during the time working for Vision?</p> <p>14 A No, I was not.</p> <p>15 Q So tell me why paragraph 13 is even in here but</p> <p>16 doesn't apply to you.</p> <p>17 MR. BUCKNER: Objection. You can't ask the</p> <p>18 witness how the complaint got drafted. He's not a</p> <p>19 lawyer.</p> <p>20 MR. GEWERTER: I can ask him anything I want to</p> <p>21 ask him.</p> <p>22 MR. BUCKNER: Fine. Objection.</p> <p>23 MR. GEWERTER: Go ahead and answer, please.</p> <p>24 MR. BUCKNER: It's a ridiculous question.</p> <p>25 MR. GEWERTER: I think it's a ridiculous</p>

<p style="text-align: right;">158</p> <p>1 objection, it's a ridiculous complaint, but that's</p> <p>2 another story.</p> <p>3 THE WITNESS: I didn't supply this information.</p> <p>4 You'll have to ask my attorneys.</p> <p>5 MR. GEWERTER: They won't ask answer, therefore</p> <p>6 I have to ask you.</p> <p>7 THE WITNESS: Then would you repeat the</p> <p>8 question?</p> <p>9 BY MR. GEWERTER:</p> <p>10 Q Are you alleging that you're a government</p> <p>11 employee entitled to hazard pay?</p> <p>12 MR. BUCKNER: Object to the form.</p> <p>13 THE WITNESS: I am not alleging I'm a</p> <p>14 government employee.</p> <p>15 BY MR. GEWERTER:</p> <p>16 Q Look at paragraph 14. Did any of that</p> <p>17 information come from you?</p> <p>18 A No.</p> <p>19 Q Do you know whether or not that's true or</p> <p>20 false?</p> <p>21 A I believe it to be true.</p> <p>22 Q And why do you believe it to be true?</p> <p>23 A Because I trust my attorneys.</p> <p>24 Q Is that where the information came from?</p> <p>25 A To the best of my knowledge, yes.</p>	<p style="text-align: right;">160</p> <p>1 attorneys.</p> <p>2 Q Go to paragraph 17, the bottom of page 6. It</p> <p>3 starts off by saying, "Moreover the danger of working in</p> <p>4 Iraq and Afghanistan has made it difficult for</p> <p>5 government contractors to recruit employees to work in</p> <p>6 those countries."</p> <p>7 How do you know that to be true?</p> <p>8 MR. BUCKNER: Object to form.</p> <p>9 THE WITNESS: I was not the source of this</p> <p>10 information, and I believe it to be true.</p> <p>11 BY MR. GEWERTER:</p> <p>12 Q Well, you wanted to work there, didn't you?</p> <p>13 A Did I want to work there?</p> <p>14 Q Yes. You wanted to work for Vision.</p> <p>15 A Yes, I wanted to work for Vision.</p> <p>16 Q And you were upset when you stopped working for</p> <p>17 Vision?</p> <p>18 A I took the job. To say that I wanted to go</p> <p>19 there would be incorrect. I was willing to go there.</p> <p>20 Q But you don't know whether or not it's hard for</p> <p>21 government contractors to recruit employees to work in</p> <p>22 those countries, did you?</p> <p>23 MR. BUCKNER: Objection. Asked and answered.</p> <p>24 BY MR. GEWERTER:</p> <p>25 Q You have no knowledge of that, do you?</p>
<p style="text-align: right;">159</p> <p>1 Q Look at paragraph 16 on page 6 of the</p> <p>2 complaint. It starts off by saying, "The United States</p> <p>3 government recognizes that employees of government</p> <p>4 contractors in Iraq and Afghanistan confront some of the</p> <p>5 same dangerous conditions encountered by government</p> <p>6 employees and members of the armed services."</p> <p>7 How do you know that the United States</p> <p>8 government recognizes that?</p> <p>9 MR. BUCKNER: Object to the form.</p> <p>10 THE WITNESS: I'm not the source of this</p> <p>11 information. I believe it to be true, and I rely on</p> <p>12 my attorneys for that.</p> <p>13 BY MR. GEWERTER:</p> <p>14 Q Then it says, "Accordingly, the United States</p> <p>15 government has extended the practice of paying hazard</p> <p>16 and imminent danger pay to the employees of government</p> <p>17 contractors that work in Iraq and Afghanistan."</p> <p>18 How do you know that to be true?</p> <p>19 A Same answer.</p> <p>20 Q What is that answer?</p> <p>21 A I'm not the source of this information. I rely</p> <p>22 on my attorneys. I believe it to be true.</p> <p>23 Q And you believe it to be true, but you have no</p> <p>24 independent knowledge, do you have?</p> <p>25 A I have no independent knowledge, but I trust my</p>	<p style="text-align: right;">161</p> <p>1 A I've seen advertisements that -- where there</p> <p>2 are different companies offer inducements for people to</p> <p>3 work over there, but I wasn't the source of this</p> <p>4 information. I believe it to be true, and I rely on my</p> <p>5 attorneys.</p> <p>6 Q And the next sentence, "Due to the United</p> <p>7 States government's reliance on contractors, the</p> <p>8 shortage of individuals willing to work in those</p> <p>9 countries threatens the government's ability to</p> <p>10 successfully implement its global defense strategy."</p> <p>11 How do you know that to be true?</p> <p>12 A I was not the source of that information. I</p> <p>13 believe it to be true.</p> <p>14 Q Well, what do you know about --</p> <p>15 A I rely on my attorneys.</p> <p>16 Q What do you know about the global defense</p> <p>17 strategy of the United States government?</p> <p>18 A Are you speaking of the Bush Doctrine?</p> <p>19 Q I'm not speaking of anything other than what's</p> <p>20 in your complaint. I didn't draft this, so I'm not the</p> <p>21 one responsible for the wordage.</p> <p>22 A I didn't draft it either, sir.</p> <p>23 Q But you approved it, though.</p> <p>24 A Yes.</p> <p>25 Q Paragraph 18, on page 7. Did that information</p>

42 (Pages 162 to 165)

<p style="text-align: right;">162</p> <p>1 come from you?</p> <p>2 A No, it did not.</p> <p>3 Q How do you know in the second sentence of that</p> <p>4 paragraph, where it says, "Specifically the United</p> <p>5 States government provides the contractor with funds for</p> <p>6 the following: (1) the contracted services; and (2)</p> <p>7 hazard pay for the contractors' employees that work for</p> <p>8 Iraq and Afghanistan"?</p> <p>9 A I was not the source of that information. I</p> <p>10 believe it to be true, and I trust my attorneys.</p> <p>11 Q In fact --</p> <p>12 THE REPORTER: I'm sorry. I didn't hear the end</p> <p>13 of your answer.</p> <p>14 THE WITNESS: I trust my attorneys to do the</p> <p>15 research.</p> <p>16 MR. BUCKNER: You got to let him finish,</p> <p>17 Harold.</p> <p>18 MR. GEWERTER: I apologize, go ahead. You're</p> <p>19 correct on that one.</p> <p>20 MR. BUCKNER: Wow.</p> <p>21 MR. GEWERTER: You got one out of a hundred.</p> <p>22 I'm proud of you.</p> <p>23 MR. BUCKNER: I'm glad I made you proud.</p> <p>24 Thanks.</p> <p>25 You trust your attorneys. You were finishing</p>	<p style="text-align: right;">164</p> <p>1 BY MR. GEWERTER:</p> <p>2 Q Answer the question, please.</p> <p>3 A I had suspicions that we were entitled to</p> <p>4 hazard pay, and when my attorneys began researching the</p> <p>5 issue, and they discovered information that confirmed</p> <p>6 that suspicion.</p> <p>7 Q Do you know what confirmation was made that</p> <p>8 confirmed that suspicion prior to filing this lawsuit?</p> <p>9 MR. BUCKNER: Object. I object to the extent</p> <p>10 that it's conversation between us and you. I'd</p> <p>11 instruct you not to answer. If you know of some</p> <p>12 other source of information, that's fine.</p> <p>13 THE WITNESS: It's just between my attorney and</p> <p>14 I.</p> <p>15 BY MR. GEWERTER:</p> <p>16 Q So you did no independent research on this</p> <p>17 issue of hazard pay, other than what you learned from</p> <p>18 your attorneys. Is that correct?</p> <p>19 A No. I did attempt to learn about this, but my</p> <p>20 efforts didn't bear fruit.</p> <p>21 Q What were your efforts?</p> <p>22 A Researching on the internet.</p> <p>23 Q Did you talk to anyone other than your lawyer</p> <p>24 about this?</p> <p>25 A No.</p>
<p style="text-align: right;">163</p> <p>1 the sentence and he talked over you. Did you have</p> <p>2 anything else?</p> <p>3 THE WITNESS: Almost sounds like my wife.</p> <p>4 But --</p> <p>5 MR. GEWERTER: I've been accused of a lot of</p> <p>6 things, but never that.</p> <p>7 THE WITNESS: I'm sorry?</p> <p>8 MR. GEWERTER: Go ahead.</p> <p>9 THE WITNESS: Did you get that?</p> <p>10 THE REPORTER: I did.</p> <p>11 BY MR. GEWERTER:</p> <p>12 Q When did you first come to the conclusion that</p> <p>13 the United States government provides contractors with</p> <p>14 hazard pay for contractors' employees that work in Iraq</p> <p>15 and Afghanistan?</p> <p>16 MR. BUCKNER: Objection. Mischaracterizes</p> <p>17 testimony.</p> <p>18 MR. GEWERTER: Well, it's in the complaint.</p> <p>19 MR. BUCKNER: He didn't say he came to that</p> <p>20 conclusion.</p> <p>21 MR. GEWERTER: He's responsible for the</p> <p>22 complaint.</p> <p>23 MR. BUCKNER: It's a different thing, Harold.</p> <p>24 MR. GEWERTER: Okay.</p> <p>25</p>	<p style="text-align: right;">165</p> <p>1 Q Talk to Dan Carson?</p> <p>2 A When he was at Vision Airlines, yes.</p> <p>3 Q How about Gary Borke?</p> <p>4 A Yes.</p> <p>5 Q How about Juan Mayoral?</p> <p>6 A I don't recall.</p> <p>7 Q How about Gwen Carson?</p> <p>8 A No.</p> <p>9 Q Do you know who Gwen Carson is?</p> <p>10 A Yes.</p> <p>11 Q Who is she?</p> <p>12 A Dan Carson's daughter.</p> <p>13 Q Did she work at Vision Airlines?</p> <p>14 A Yes.</p> <p>15 Q Do you know what her capacity was?</p> <p>16 A I don't recall her title. She was like an</p> <p>17 assistant to Mr. Carson and took care of the payroll, I</p> <p>18 believe, and other administrative tasks.</p> <p>19 Q Do you know what else she took care of?</p> <p>20 A I don't know.</p> <p>21 Q Do you know she was caught pilfering documents</p> <p>22 from Vision Airlines?</p> <p>23 A I'm not aware of that.</p> <p>24 Q Have you ever heard that allegation before</p> <p>25 today?</p>